

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEMARCUS MCGAUGH,

Defendant.

**8:23CR91**

**ORDER**

This matter is before the Court on Defendant's Unopposed Motion to Extend Pretrial Motion Deadline. ([Filing No. 35](#)). The motion is unopposed by the government. For good cause shown, the Court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's Unopposed Motion to Extend Pretrial Motion Deadline, ([Filing No. 35](#)), is granted.
- 2) Pretrial motions shall be filed by December 6, 2023.
- 3) In accordance with 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between October 11, 2023, and December 6, 2023, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant this motion would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and the novelty and complexity of the case. The failure to grant this motion might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.
- 4) The trial of this case is continued pending further order of the Court.<sup>1</sup>

Dated this 11<sup>th</sup> day of October, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge

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<sup>1</sup> The Court notes that this is the third time a motion to extend the pretrial motion deadline has been filed after a trial order was entered. This practice is frowned upon at a minimum and should not happen again.